

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2018-364**

Stephen and Beverly Noller and)	
Michael and Nancy Halwig,)	
Complainants,)	
v.)	DIUC'S FIRST SET OF
)	DISCOVERY REQUESTS
Daufuskie Island Utility Co., Inc.,)	TO COMPLAINANTS
Respondent.)	
_____)	

**TO: NEWMAN JACKSON SMITH, ESQUIRE
COUNSEL FOR COMPLAINANTS, STEPHEN AND BEVERLY NOLLER AND
MICHAEL AND NANCY HALWIG**

DAUFUSKIE ISLAND UTILITY COMPANY ("DIUC") HEREBY REQUESTS THE COMPLAINANTS WHO INITIATED THE ABOVE-REFERENCED MATTER RESPOND TO THE FOLLOWING FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS TO ADMIT IN ACCORDANCE WITH S.C. PUBLIC SERVICE COMMISSION RULES 103-833 AND -835. COPIES OF THESE DISCOVERY REQUESTS ARE ALSO BEING FILED WITH THE CHIEF CLERK.

RESPONSES ARE REQUESTED NO LATER THAN 20 DAYS FOLLOWING THE DATE OF SERVICE.

EACH INTERROGATORY SHALL BE ANSWERED SEPARATELY AND FULLY IN WRITING. THE ANSWERS ARE TO BE SIGNED BY THE INDIVIDUAL MAKING THEM AND SUBSCRIBED BY AN APPROPRIATE VERIFICATION. OBJECTIONS ARE TO BE SIGNED BY THE AUTHORIZED REPRESENTATIVE OR INDIVIDUAL MAKING THEM.

IF ANY DOCUMENT IS WITHHELD UNDER THE CLAIM OF PRIVILEGE, FURNISH A LIST IDENTIFYING EACH DOCUMENT FOR WHICH THE PRIVILEGE IS CLAIMED, TOGETHER WITH THE FOLLOWING INFORMATION: DATE, SENDER, RECIPIENT, SUBJECT MATTER OF THE DOCUMENT, THE BASIS ON WHICH PRIVILEGE IS CLAIMED, AND THE REQUEST(S) TO WHICH THE DOCUMENT RESPONDS.

ALL DOCUMENTS PRODUCED IN RESPONSE TO THESE REQUESTS, WHETHER PREVIOUSLY STORED ELECTRONICALLY OR NOT, SHOULD BE PROVIDED IN ELECTRONIC FORMAT, SPECIFICALLY AS OPTICAL CHARACTER RECOGNIZED (OCR'ED) MULTI-PAGE PORTABLE FORMAT (PDF) FILES.

THE HALWIGS AND NOLLERS SHOULD FILE SEPARATE RESPONSES.

DEFINITIONS

1. AS USED HEREIN, "DIUC" SHALL MEAN DAUFUSKIE ISLAND UTILITY COMPANY, INC.
2. AS USED HEREIN, "CUSTOMERS" SHALL MEAN THE COMPLAINANTS IN THIS MATTER, COLLETIVELY AND INDIVIDUALLY, STEPHEN AND BEVERLY NOLLER AND MICHAEL AND NANCY HALWIG.
3. AS USED HEREIN, MELROSE PROPERTY OWNER'S ASSOCIATION, INC. ("MPOA") SHALL MEAN MPOA, WITH ITS EMPLOYEES, AGENTS, CONSULTANTS, EXPERTS, PARENTS, SUBSIDIARIES, AFFILIATES, AND PARTNER COMPANIES AND OTHER OPERATIONAL OR FUNCTIONAL UNITS AND ALL OFFICERS, DIRECTORS, EMPLOYEES, AGENTS AND REPRESENTATIVES OF THESE ENTITIES. IT ALSO INCLUDES ALL OTHER PERSONS ACTING ON BEHALF OF MPOA.
4. AS USED HEREIN, "THIS PROCEEDING" AND "THIS MATTER" SHALL MEAN THE PROCEEDING BEFORE THE SOUTH CAROLINA PUBLIC SERVICE COMMISSION ASSIGNED DOCKET NO. 2018-364.
5. PLEASE CONSTRUE "AND" AS WELL AS "OR" BOTH DISJUNCTIVELY OR CONJUNCTIVELY AS MAY BE NECESSARY TO BRING WITHIN THE SCOPE OF THESE INTERROGATORIES ANY INFORMATION WHICH MIGHT OTHERWISE BE CONSTRUED OUTSIDE THEIR SCOPE.
6. "DOCUMENT" SHALL MEAN ANY WRITTEN, PRINTED, TYPED, RECORDED, PHOTOGRAPHIC OR OTHER GRAPHIC MATTER OF ANY KIND OR NATURE, AND ALL MECHANICAL AND ELECTRICAL SOUND RECORDINGS AND ANY TRANSCRIPTS THEREOF, AND COMPUTER DATA FILES IN YOUR POSSESSION, CUSTODY, AND/OR CONTROL, OR KNOWN BY YOU TO EXIST; IT SHALL ALSO MEAN ALL COPIES OF DOCUMENTS BY WHATEVER MEANS MADE. IT INCLUDES WRITTEN CORRESPONDENCE AND ANY CORRESPONDENCE THAT CAN BE PRINTED FROM ITS CURRENT MEDIUM, WHETHER THAT IS FROM EMAIL, TEXT MESSAGING, AND/OR ANY OTHER MEANS OF STORED OR RETRIEVABLE COMMUNICATION.
7. "IDENTIFY" OR "IDENTITY" USED WITH REFERENCE TO AN INDIVIDUAL MEANS TO STATE HIS OR HER FULL NAME, PRESENT OR LAST KNOWN ADDRESS, PRESENT OR LAST KNOWN POSITION AND BUSINESS AFFILIATION, AND EMPLOYER, TITLE, AND POSITION AT THE TIME IN QUESTION.
8. "IDENTIFY" OR "IDENTITY" USED WITH REFERENCE TO A DOCUMENT OR WRITING MEANS TO STATE THE DATE, AUTHOR, TYPE OF DOCUMENT (E.G. LETTER, MEMORANDUM, TELEGRAM, CHART, NOTE APPLICATION, ETC.) OR OTHER MEANS OF IDENTIFICATION, AND ITS PRESENT LOCATION OR CUSTODIAN. IF ANY SUCH DOCUMENT IS NO LONGER IN YOUR POSSESSION OR SUBJECT TO YOUR CONTROL, STATE WHAT DISPOSITION WAS MADE OF IT.

9. "YOU" AND "YOURS" INCLUDE THE PARTY UPON WHOM THIS DISCOVERY IS DIRECTED, AND ANY OF ITS MEMBERS, INDIVIDUALLY, WHO HAVE KNOWLEDGE OR CONTROL OF INFORMATION REQUESTED IN THE DISCOVERY REQUESTS.

10. AS USED HEREIN, "ORS" SHALL MEAN THE OFFICE OF REGULATORY STAFF.

11. AS USED HEREIN THE "NOLLER PROPERTY" SHALL MEAN 36 DRIFTWOOD COTTAGE LANE WITH ALL BUILDINGS AND DWELLINGS THEREON LOCATED AND THE "HALWIG PROPERTY" SHALL MEAN 42, 44, AND 46 DRIFTWOOD COTTAGE LANE WITH ALL BUILDINGS AND DWELLINGS THEREON LOCATED; "THE PROPERTIES" SHALL MEAN THE HALWIG PROPERTY AND THE NOLLER PROPERTY COLLECTIVELY.

INTERROGATORIES

1. Give the names and addresses of persons known to the Customers or to Customers' counsel to be witnesses concerning the facts of the case, indicate whether or not written or recorded statements have been taken from the witnesses, and indicate who has possession of such statements.
2. For each person known to Customers or Customers' counsel to be a witness concerning the facts of the case, set forth a summary sufficient to inform DIUC of the important facts known to or observed by such witness and provide a copy of any written or recorded statement taken from such witness.
3. Set forth a list of photographs, sketches, charts, graphs, notes or letters of any communications, and any other written or computer generated files, plats, videotapes, audiotapes, pictures, drawings, animations, artist's renditions, diagrams, memoranda's, measurements, statements, correspondence, texts, records, reports, electronic data files, e-mail communications, .jpg files, bitmap files, .tiff files, .gif files, or any other electronic images, data, web pages, brochures, information packets, manuals, or other writings or recordings, materials or physical evidence or other prepared documents or physical evidence in possession of the Customers or Customers' counsel that relate to any claim(s) or defense(s) in this case.
4. List the names and addresses of any expert witnesses whom the Customers proposes to use as a witness at the trial of this case. For each witness, please state:
 - a. His/her qualifications to testify;
 - b. The subject matter of which the expert is expected to testify;
 - c. The substance of the facts and opinions to which the expert would be expected to testify;
 - d. A summary of the grounds for each opinion expected to be elicited from the expert;

- e. List of any and all lawsuits (providing case caption, case number, jurisdictional court, county, state) in which the expert has been retained, and for each lawsuit, indicate whether he/she was retained by a Plaintiff or a Defendant in each case; and
 - f. State whether the expert has ever been sued himself/herself; if so, state the case caption, case number of each suit, jurisdictional court, county and state, with a brief description of the allegations in each lawsuit and disposition of each lawsuit.
5. Please identify all laws, regulations, and other authority you rely on for the Complaint's assertion that, "When it is not possible to replace the infrastructure lost in the same place, the utility should not simply be relieved from replacing the infrastructure in another place." Complaint at 3.
 6. Did anyone from the South Carolina Office of Regulatory Staff ever tell you that DIUC is or was required to re-install infrastructure to serve the Properties after Hurricane Matthew?
 7. Please identify all other Daufuskie Island residents and/or property owners with whom you have communicated regarding whether MPOA should have rebuilt Driftwood Cottage Lane after Hurricane Matthew?
 8. Please identify all Daufuskie Island residents and/or property owners with whom you have communicated regarding whether DIUC customers other than the Complainants should bear any portion of the cost of re-installing infrastructure to serve the Properties after Hurricane Matthew?
 9. Please identify all government employees (and their agencies) with whom you have communicated about whether DIUC is or was required to re-install infrastructure to serve the Properties after Hurricane Matthew?
 10. Please identify all legal actions, including civil, criminal, administrative, and bankruptcy, in the past 10 years in which you been a party, either as a plaintiff or as a defendant, as a debtor in a bankruptcy matter, and/or as a claimant in a bankruptcy matter. For each case, please identify the civil action number or file number, the court in which the case is/was pending, describe the subject matter of the suit, and indicate how the matter was resolved or if it is still pending.
 11. With regard to the swimming pool formerly located on the Halwig Property, please:
 - a. Explain what happened to the pool;
 - b. Identify all permits and other documents related to changes made to the pool after 2015;
 - c. Identify all documents related to any inquiry, investigation, complaint, or other proceeding related to the swimming pool, including but not limited to matters raised by and before the South Carolina Department of Health and Environmental Control ("DHEC").

REQUESTS FOR PRODUCTION

1. Please produce all documents identified in response to the previous interrogatories.

2. Please produce all documents which were relied upon or referred to in answering the previous interrogatories.
3. Please produce all documents which are intended to be offered in evidence in this proceeding as well as all drafts, notes or working papers related to evidence to be offered in this proceeding.
4. Please produce all documents relating to any and all inspection, assessment, analysis, and evaluation of the Properties. This includes all inspections by governmental agencies and all communications between you and any governmental agency regarding the Properties between January 1, 2010, and the present.
5. Please produce all documents evidencing or relating to any communications responsive to Interrogatories 6, 7, 8, and 9.

REQUESTS TO ADMIT

1. Admit the Customer Service Agreement is dated January 30, 2018.
2. Admit the Tax Cuts and Jobs Act (TCJA) was in effect on January 30, 2018.
3. Admit that contributions in aid of construction are not excludable from the gross income of water and sewer utilities. *See* TJCA (repealing 26 U.S.C. § 118 (b) through (d)).
4. Admit DIUC will incur a tax liability at a rate of \$33.24 for every \$100.00 of the amount DIUC books as contributions in aid of construction in 2018.

Respectfully submitted,

s/ Thomas P. Gressette, Jr.

Thomas P. Gressette, Jr.

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December 27, 2018
Charleston, SC

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2018-364**

Stephen and Beverly Noller and)
Michael and Nancy Halwig,)
Complainants,)
v.)
Daufuskie Island Utility Co., Inc.,)
Respondent.)
_____)

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2018, I caused to be served a copy of Daufuskie Island Utility Company, Inc.'s First Set of Discovery Requests to Complainants, which I also e-filed in the above-referenced matter. The parties served are:

VIA EMAIL

Andrew Bateman, Esq.
Jeffrey M. Nelson, Esq.
Counsel for ORS

VIA EMAIL

Newman Jackson Smith, Esq.
Counsel for Stephen and Beverly Noller and Michael and Nancy Halwig

VIA US MAIL

Public Service Commission of South Carolina
Attn: Clerk's Office
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

By: /s/ Thomas P. Gressette, Jr.
Thomas P. Gressette, Jr.

December 27, 2018
Charleston, South Carolina